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13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 PAUL YALE, individually and on behalf of others
17 similarly situated,

18 Plaintiff,

19 vs.

20 WIZARDS OF THE COAST, LLC,

21 Defendant.

Case No. 15-CV-06337-EJD

**JOINT STIPULATION TO EXTEND THE
BRIEFING SCHEDULE ON
DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED
COMPLAINT**

Date: February 1, 2018
Time: 11:00 a.m.
Crm: 4 – 5th Floor
Before: Hon. Edward J. Davila

Complaint Filed: April 12, 2016
FAC Filed: December 5, 2016
SAC Filed: September 22, 2017
Trial Date: Not set

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17 Attorneys for Defendant,
18 WIZARDS OF THE COAST LLC
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1 Plaintiff PAUL YALE ("Plaintiff") and Defendant WIZARDS OF THE COAST LLC
2 ("Defendant") (collectively the "Parties"), by and through their respective counsel of record, submit
3 the following Joint Stipulation to Extend the Briefing Schedule on Defendant's Motion to Dismiss
4 Plaintiff's Second Amended Complaint.

5 **WHEREAS**, on September 22, 2017 Plaintiff filed his Second Amended Complaint in the
6 above-captioned matter;

7 **WHEREAS**, on October 6, 2017 Defendant filed a Notice of Motion and Motion to Dismiss
8 Plaintiff's Second Amended Complaint;

9 **WHEREAS**, the Court set the hearing for this motion for February 1, 2018, and ordered
10 responses be due by October 20, 2017 and replies due by November 3, 2017;

11 **WHEREAS**, Plaintiff's counsel require an extension of one week's time through October 27,
12 2017 to prepare and file their opposition to Defendant's Motion due to other commitments of counsel;

13 **WHEREAS**, Defendants are amenable to Plaintiff's request for additional time in exchange
14 for an extension of one week's time through November 10, 2017 to prepare and file their reply in
15 connection with the Motion;

16 **WHEREAS**, there have been no prior extensions of the briefing schedule in connection with
17 Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint, and the requested extensions
18 will not prejudice either party and all other Court deadlines remain unaffected;

19 **NOW, THEREFORE**, Plaintiff and Defendant, by and through their counsel of record and
20 subject to Court approval, hereby stipulate that:

- 21 1. Plaintiff shall file his opposition on or before October 27, 2017;
22 2. Defendant shall file any reply in support of its Motion to Dismiss Plaintiff's Second
23 Amended Complaint on or before November 10, 2017;

24 Pursuant to Civil Local Rule 5-1(i), the e-filing attorney hereby attests that concurrence in the
25 filing of this document has been obtained from each of the other signatories, indicated by a conformed
26 signature (/S/), which shall serve in lieu of their signatures on this e-filed document.

1 **IT IS SO STIPULATED.**

2 Dated: October 17, 2017

GOLDSTEIN, BORGEN, DARDARIAN & HO

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4 By: /s/ James Kan

JAMES KAN

5 Attorneys for Plaintiff,
6 PAUL YALE and the putative class

7 Dated: October 17, 2017

FISHER & PHILLIPS LLP

8 By: /s/ Shaun J. Voigt

9 KARL R. LINDEGREN

SHAUN J. VOIGT

10 Attorneys for Defendant,
11 WIZARDS OF THE COAST LLC

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14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

15 Dated: October 18, 2017

16 By: _____

17 Hon. Edward J. Davila
18 United States District Judge

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CERTIFICATE OF SERVICE

I, the undersigned, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; am employed with Fisher & Phillips LLP and my business address is 444 South Flower Street, Suite 1500, Los Angeles, California 90071.

On October 17, 2017 I served the foregoing document entitled **JOINT STIPULATION TO EXTEND THE BRIEFING SCHEDULE ON DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT** on all the appearing and/or interested parties in this action by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelope(s) addressed as follows:

☐ **[by MAIL]** - I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing this affidavit.

☒ **[by ELECTRONIC SUBMISSION]** - I served the above listed document(s) described via the United States District Court's Electronic Filing Program on the designated recipients via electronic transmission through the CM/ECF system on the Court's website. The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document(s). Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities.

☐ **[by FEDERAL EXPRESS]** - I am readily familiar with the firm's practice for collection and processing of correspondence for overnight delivery by Federal Express. Under that practice such correspondence will be deposited at a facility or pick-up box regularly maintained by Federal Express for receipt on the same day in the ordinary course of business with delivery fees paid or provided for in accordance with ordinary business practices.

☐ **[by PERSONAL SERVICE]** - I caused to be delivered by messenger such envelope(s) by hand to the office of the addressee(s). Such messenger is over the age of eighteen years and not a party to the within action and employed with Network Express, whose business address is 1533 Wilshire Boulevard, Los Angeles, CA 90017.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed October 17, 2017 at Los Angeles, California.

MARVIN JOHNSON

Print Name

By: /s/ Marvin Johnson

Signature